

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:14-cv-00235-MOC

**THIS MATTER** is before the court on plaintiff's Motion to Consolidate (#2) and Motion to Dismiss (#8). The Motion to Consolidate this matter with plaintiff's previous action, Johnson v. Wal-Mart Stores East, L.P., 3:10cv659 (W.D.N.C. 2013), will be summarily denied as there is no authority for consolidating a newly filed action with an action which, for all intents and purposes, is closed.<sup>1</sup>

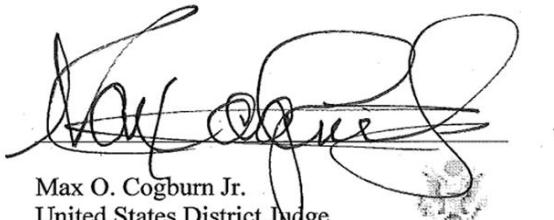
As to the Motion to Dismiss, plaintiff has filed his response and the time for filing a reply has not run. The court will instruct the Clerk of Court to place the Motion to Dismiss on for hearing on the court's next available civil hearing day as no reference of that motion will be made to a magistrate judge.

## ORDER

<sup>1</sup> The court notes that defendant's motion for the Clerk of Court to reduce his Bill of Costs to a separate judgment remains pending. Direct review of the substantive judgment has been foreclosed as plaintiff dismissed his appeal of the Judgment entered upon the jury's verdict.

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion to Consolidate (#2) is **DENIED** and the Clerk of Court is instructed to place plaintiff's Motion to Dismiss (#8) on the next available civil motions day.

Signed: June 9, 2014



Max O. Cogburn Jr.  
United States District Judge